



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/058,606	01/28/2002	Jinsaku Masuyama	016295.0748	3978

7590

04/21/2005

Roger Fulghum
Baker Botts L.L.P.
One Shell Plaza
910 Louisiana Street
Houston, TX 77002-4995

EXAMINER

WILSON, YOLANDA L

ART UNIT

PAPER NUMBER

2113

DATE MAILED: 04/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/058,606

Applicant(s)

MASUYAMA ET AL.

Examiner

Yolanda Wilson

Art Unit

2113

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 January 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 13-15 is/are allowed.
- 6) ☒ Claim(s) 1, 3-10, 12, 16, 18 and 19 is/are rejected.
- 7) ☒ Claim(s) 2, 11, 17 and 20 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>01/21/05</u> . | 6) <input type="checkbox"/> Other: _____ |

5

FINAL DETAILED ACTION

Claim Objections

1. Claims 2,11,17,20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Allowable Subject Matter

2. Claims 13-15 are allowed.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1,3-10,12,16 and 18,19 are rejected under 35 U.S.C. 102(e) as being anticipated by Zaudtke et al. (US Publication Number 2003/0191877), further known as Zaudtke et al. As appears in claim 1, Zaudtke et al. discloses a plurality of independent sub-computer systems each comprising: a serial interface; and a buffer device coupled with the serial interface for buffering crash data sent by the serial interface having an external serial output; a management controller coupled with the external serial output of the buffer device of each independent sub-computer system to retrieve data buffered

during a crash on page 5, paragraph 0041; pages 5-6, paragraphs 0046-0048. The management controller is the external device.

5. As per claim 3, Zaudtke et al. discloses wherein the serial output is part of a RS232 serial interface on page 4, paragraph 0035.

6. As per claim 4, Zaudtke et al. discloses the serial output is part of a universal bus serial interface on page 8, paragraph 0068.

7. As per claim 5, Zaudtke et al. discloses the communication controller is coupled with the management controller through a serial bus on page 5, paragraph 0044.

8. As per claim 6, Zaudtke et al. discloses the sub-system generates an interrupt signal fed to the management controller on pages 3 and 4, paragraph 0033.

9. As per claim 7, Zaudtke et al. discloses the sub-system generates an interrupt signal fed to the communication controller which generates an interrupt signal fed to the management controller and a control signal fed to the microcontroller on pages 5-6, paragraphs 0046-0048.

10. As per claim 8, Zaudtke et al. discloses a plurality of sub-systems each running independently an operating system and a management controller coupled with the plurality of sub-systems, the method comprising the steps of: upon a system crash outputting a crash dump file through a serial port of the sub-system; buffering the crash dump file; generating a control signal for a management controller; upon request by the management controller coupling the management controller with the sub-system; and transferring the buffered crash dump file to the management controller on page 5,

Art Unit: 2113

paragraph 0041; pages 5-6, paragraphs 0046-0048. The management controller is the external device.

11. As per claim 9, Zaudtke et al. discloses the step of generating a control signal includes generating an interrupt signal fed to the management controller on pages 3 and 4, paragraph 0033.

12. As per claim 10, Zaudtke et al. discloses the step of generating a control signal includes sending a command to the management controller through a serial bus on page 5, paragraph 0044.

13. As per claim 12, Zaudtke et al. discloses wherein of coupling the management controller with the sub-system includes the step of coupling the management controller and the sub-system through a serial bus and sending a command through a serial bus to request transmission of the crash dump file on pages 5-6, paragraphs 0046-0048.

14. As per claim 16, Zaudtke et al. discloses a plurality of independent sub-computer systems each comprising: a serial interface; and a buffer device coupled with the serial interface for buffering crash data sent by the serial interface having an external serial output; an interrupt signal output; a management controller coupled with the external serial output of the buffer device of each independent sub-computer system to retrieve data buffered during a crash on page 5, paragraph 0041; pages 5-6, paragraphs 0046-0048; on pages 3 and 4, paragraph 0033. The management controller is the external device.

15. As per claim 18, Zaudtke et al. discloses wherein the serial output is part of a RS232 serial interface on page 4, paragraph 0035.

16. As per claim 19, Zaudtke et al. discloses the serial output is part of a universal bus serial interface on page 8, paragraph 0068.

Response to Arguments

17. Applicant's arguments with respect to claims 1-20 have been considered. The arguments with respect to claims 2,11,13, and 17 have been found to be persuasive.

The arguments with respect to claims 1,3-10,12,14-16,18-20 are not persuasive.

Applicant states "However, according to independent claim 1 of the present invention, a computer system is provided with a buffer device coupled with the serial data port and will, thus, be able to buffer the crash data for later retrieval. Furthermore, claim 1 requires a management controller coupled with the external serial port of the buffer device. Zaudtke does not provide for such a system." Examiner respectfully disagrees.

18. The system disclosed in Zaudtke does have a buffer device. As disclosed on page 3, paragraph 0033, "Each of the server computers 101-109 includes health software that stores and reports health information of the respective computer." The buffer device is the memory which stores this health information that is eventually forwarded to the external device acting as the management controller disclosed in claim 1.

19. Applicant argues, "In case of a crash of such a system, the software will not operate, thus, there will be no information provided by this software." Examiner would like to point out as previously stated that the status information of Zaudtke is stored in

the buffer device; therefore, when the status information (health information) is needed, it can be located in the buffer device.

20. Applicant argues, "An I²C bus, however, is not a serial port but rather an internal bus which allows communication between different internal device." Examiner would like to point out that the microcontroller is connected to the serial port by way of the I²C bus.

Conclusion

21. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yolanda Wilson whose telephone number is (571) 272-3653. The examiner can normally be reached on M-F (7:30-4:00).

Art Unit: 2113

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Beausoliel can be reached on (571) 272-3645. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


ROBERT BEAUSOLIEL
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100